

REMARKS

In response to the above-identified U.S. Patent and Trademark Office action Applicant has corrected a minor and obvious error in the specification. In addition, formal drawings are submitted herewith.

In addition to the foregoing Applicant has canceled claims 1 – 18 and substituted new claims 19 – 38 therefor. The newly submitted claims, submitted in clean form for convenience, have been amended in a manner to more succinctly define the present invention and in a manner not believed to be taught or suggested by the art. This will be discussed hereinbelow.

Claims 19 – 28 cover the improved measuring cup and are based on original claims 1 – 10.

Claims 29 – 38 cover the improved package including the measuring cup. Claims 29 – 35 are based on original claims 11 – 17. Claims 36 – 38 cover additional significant features of the improved package as clearly supported herein.

The new generic claims now specify the following additional features. The side wall portion (136) is defined as “substantially straight” and “oriented at an angle of substantially 90° with respect to said closed base” (134), as clearly shown. The side wall

03-205

AMENDMENTS TO THE DRAWINGS

Submitted herewith are formal drawings for the above case.

(136) is also defined as being disposed outwardly of the upper wall (200) in a substantially straight line between the upper wall (200) and the closed base (134), also as clearly shown. The upper wall (200) is also specified as being substantially straight and oriented at an angle of substantially 90° with respect to the closed base (134). Thus, as indicated in the generic claims, the present invention provides an increased volume measuring cup without increasing the height of the measuring cup.

The foregoing features as well as the defined structure provide a highly advantageous measuring cup and package not at all suggested by the art.

Thus, the present invention provides a measuring cup and package where the cup is easy to handle, easy to use for a controlled amount of product, and has attractive features that fit well with current designs. In addition, the cup and package accommodate within shelf space constraints to provide increased volume without increased height. These are significant practical considerations.

The features of Applicant's claims should be sharply contrasted with the art teachings.

The main reference cited by the Examiner is Segati '827. Segati shows a closing cap (18) having an outwardly oriented upper section (64) which is lamp shade like in appearance, and an inwardly oriented lower portion (68) designed to engage the outwardly oriented, peripheral pouring spout (36), see Figures 2 – 3 of Segati.

This should be sharply contrasted with Applicant's claim features. Thus, Applicant's measuring cup is disposed in a substantially straight line between the upper wall and closed base and extends at an angle of substantially 90° with respect to the closed base. This is an eminently practical and highly advantageous construction. There is no suggestion whatever for this, or the advantages thereof, in Segati. Note also claims 20 and 30. Moreover, the Segati cap is unpractical to use with its central outward bulge. It is difficult to hold, measure contents and use. Applicant's measuring cup and container, on the other hand, presents unobvious and highly advantageous features as claimed specifically herein.

The Sprick '803 patent is relied on only for the longitudinal striations. However, the '803 patent also does not suggest the essential features of the present invention as discussed above. Similarly, the other cited art does not teach the key features of the present invention as discussed above.

The Examiner is also respectfully referred to new claims 36 – 38 which in combination with parent claim features are believed to define unobvious features.

03-205

Favorable reconsideration is courteously solicited.

Respectfully submitted,

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